

REMARKS

Specification

The specification is objected to for failing to show utility. Applicant does not understand what exactly is being objected to. Numerous uses are cited in the Specification, including those indicated in the Office Action. Regardless, it is not necessary for Applicant to explicitly point out uses of the invention described in the specification. Applicant directs Examiner to the specification, which cites numerous examples of utility.

Drawings

The drawings are objected to for missing reference numbers. Appropriate corrections have been made and submitted herewith.

35 U.S.C. 112 Rejections

Claim 26 is rejected for omitting structural detail. Applicant submits that claim 26 is a properly drafted markush claim and no such structural detail is required.

35 U.S.C §102 Rejections

Claims 1, 8, 18, 27, and 31 are rejected under 35 U.S.C. §102(b) as being anticipated by Witek et al. (U.S. 5,043,886). Applicant respectfully submits that the Office Action is woefully inadequate and does not carry the necessary burden to establish that claims 1, 8, 18, 27, and 31 are anticipated by Witek. Particularly, the Office Action presents an interpretation of how Witek anticipates claim 1, but offers no

other support of how claims 8, 18, 27, and 31 are anticipated by Witek. Claims 1-6 are canceled.

Witek teaches a technique of using a write/intent bit to control whether a data block is read from memory using a RFO operation. However, claims 8, 18, 27, and 31, each claim, among other things, a store buffer from which a second data value is to be read and stored to a cache memory regardless of whether a first data value that is to be read from the store buffer prior to the second data value being read from the store buffer has been globally observed. However, Witek does not teach this, nor does the Office Action allege that Witek teaches this. Instead, the Office Action seems to comingle obviousness standards in support of the 35 USC 102 rejection. This does not make sense to applicant.

Regardless, Witek cannot be said to anticipate claims 8, 18, 27, and 31 for the reasons stated. Accordingly, applicant submits the claims are in order for allowance.

35 U.S.C §103 Rejections

Claims 2-7, 9-17, 19-25, 28-30, and 32-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Witek. Applicant submits that in order to show a prima facie case of obviousness under et U.S.C. 103, the Examiner must present at least two references or alternatively one reference and take official notice of some portion of the claim not taught by the first reference. However, the Office Action relies solely on Witek to support the obviousness rejection, which fails to carry the burden of obviousness under the statute.

Moreover, Applicant has explained above reasons why Witek does not teach what is claimed by claims 8, 18, 27, and 31, nor any dependent claims and therefore may not be used as a basis for an obviousness rejection.

Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Erik Metzger at (512) 732-3922.

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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